

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

PHILLIP ADCOCK

VS.

SAM'S EAST, INC.

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C.A. NO. 5:21-cv-362

JURY DEMANDED

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Please take notice that Defendant, Sam's East, Inc., hereby removes to the Court the state action described below.

1. On February 12, 2021, a civil action was commenced, in the 57th Judicial District Court of Bexar County, Texas, entitled *Phillip Adcock v. Sam's East, Inc.*, Cause No. 2021CI02917. A copy of Plaintiff's Original Petition is attached hereto as **Exhibit A**.

2. Service of summons and complaint was made on Defendant, Sam's East, Inc. by process server on March 10, 2021. Defendant, Sam's East, Inc. first received a copy of said Petition on March 15, 2021. A copy of the Citation is attached hereto as **Exhibit B**.

3. Defendant, Sam's East, Inc. has filed an Original Answer, which is attached as **Exhibit C**, a Demand for Jury Trial, which is attached as **Exhibit D** and a Notice of Filing of Removal to Federal Court, attached as **Exhibit E**. Defendant, Sam's East, Inc. has attached all process, pleadings, and orders in the State Court action as required by 28 U.S.C. 1446(a).

4. Defendant, Sam's East, Inc. has attached a copy of the Docket Sheet as **Exhibit F** pursuant to Local Rule 81.

JURISDICTION AND VENUE

5. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court

pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties. Defendant, Sam's East Inc. is an Arkansas corporation. The principal place of business of Sam's East, Inc. is Bentonville, Arkansas. Plaintiff is a Texas citizen with his residency in Bexar County, Texas.

6. The amount in controversy exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. *See page 4 of Plaintiff's Original Petition (Exhibit "A")*.

7. Venue is proper in the Western District of Texas, San Antonio Division because this District and Division embrace the place in which the action is pending.

Respectfully submitted,

DAW & RAY, LLP

/s/ Willie Ben Daw, III

Willie Ben Daw, III; SBN: 05594050

Email: wbdaw@dawray.com

James K. Floyd; SBN: 24047628

Email: jfloyd@dawray.com

14100 San Pedro Ave., Suite 302

San Antonio, Texas 78232

(210) 224-3121 Telephone

(210) 224-3188 Facsimile

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the above and foregoing instrument has been served upon all known counsel of record by Electronic Service on this the 9th day of April, 2021.

Paula A. Wyatt
Wyatt Law Firm, PLLC
21 Lynn Batts Lanes, Suite 10
San Antonio, Tx, 78218

Email: e-serve@wyattlawfirm.com

/s/ *Willie Ben Daw, III*
Willie Ben Daw, III

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INDEX OF DOCUMENTS FILED WITH REMOVAL ACTION

- (A) Plaintiff's Original Petition
- (B) Citation
- (C) Defendant's Original Answer
- (D) Defendant's Demand for Jury Trial
- (E) Notice of Filing of Removal to Federal Court
- (F) Docket Sheet
- (G) List of Counsel of Record